

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Case No.

3 21 cr 104

Plaintiff,

WALTER H. RICE

WILLIAM EARNEST,

Defendant.

INDICTMENT

v. : 18 U.S.C. § 2  
: 18 U.S.C. § 922(g)(1)  
: 18 U.S.C. § 924(a)(2)  
: 18 U.S.C. § 924(c)(1)(A)  
: 21 U.S.C. § 841(a)(1) and (b)(1)(A)(vi)  
: 21 U.S.C. § 846  
: 21 U.S.C. § 856(a)(2)  
: **FORFEITURE**

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The Grand Jury charges:

**COUNT ONE**  
[21 U.S.C. § 846]

Beginning on an exact date unknown and continuing to on or about August 26, 2020, in the Southern District of Ohio, defendant **WILLIAM EARNEST**, with others known and unknown to the grand jury, knowingly and intentionally conspired to possess with intent to distribute and to distribute, in excess of 400 grams of fentanyl, also known as N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, a Schedule II controlled substance, in violation of 21 United States Code §§ 841(a)(1) and (b)(1)(A)(vi).

All in violation of Title 21, United States Code, Section 846.

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**COUNT TWO**  
[21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(vi)]

On or about August 26, 2020, in the Southern District of Ohio, defendant **WILLIAM EARNEST**, aiding and abetting others known and unknown to the grand jury, knowingly and intentionally possessed with intent to distribute 400 grams of fentanyl, also known as N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A)(vi) and Title 18, United States Code, Section 2.

**COUNT THREE**  
[18 U.S.C. § 924(c)(1)(A)]

On or about August 26, 2020, in the Southern District of Ohio defendant **WILLIAM EARNEST** knowingly possessed a firearm in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, namely, knowingly and intentionally possessing with intent to distribute a controlled substance, in violation of 21 U.S.C. § 841(a)(1).

In violation of Title 18 United States Code, Section 924(c)(1)(A).

**COUNT FOUR**  
[18 U.S.C. §§ 922(g)(1) and 924(a)(2)]

On or about August 26, 2020, in the Southern District of Ohio, defendant **WILLIAM EARNEST**, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, and the firearm was in and affecting commerce.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

**COUNT FIVE**  
[21 U.S.C. § 856(a)(2)]

Beginning on an exact date unknown, but not later than July 2020, and continuing to on or about August 26, 2020, in the Southern District of Ohio, defendant **WILLIAM EARNEST**, knowingly and intentionally managed and controlled any place – whether permanently or temporarily – as an occupant, and in doing so, knowingly and intentionally rented, leased, profited from, or made available for use, with or without compensation, the place for the purpose of unlawfully storing and distributing a controlled substance.

In violation of Title 21, United States Code, Section 856(a)(2).

**FORFEITURE ALLEGATION 1**

Upon conviction one or more of the offenses set forth in Counts One through Five of this Indictment, defendant **WILLIAM EARNEST** shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), any firearms and ammunition involved in or used in such violation(s), including but not limited to the following:

- Colt, Model Cobra .38 special revolver, Serial Number 94935m with any ammunition and attachments;
- Taurus, Model 740 slim, .40 caliber pistol, Serial Number SIS59224 with any ammunition and attachments; and
- Rock River Arms, Model LAR-15, 5.56mm rifle Serial Number CM 27256 with any ammunition and attachments.

**FORFEITURE ALLEGATION 2**

Upon conviction of Counts One, Two, and/or Five of this Indictment, defendant **WILLIAM EARNEST** shall forfeit to the United States, pursuant to 21 U.S.C. § 853(a), (1) any

property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of such violation(s), and (2) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation, including but not limited the firearms listed in Forfeiture Allegation 1.

**SUBSTITUTE ASSETS**

If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

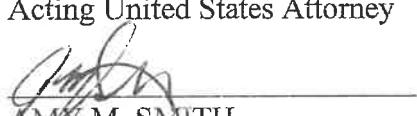
it is the intent of the United States, pursuant to 21 U.S.C. § 853(p) or as incorporated by 28 U.S.C. § 2461(c), to seek forfeiture of any other property of the defendant, up to the value of the property described above.

A TRUE BILL

/S/ SIGNED

Foreperson

VIPAL J. PATEL  
Acting United States Attorney

  
AMY M. SMITH  
Assistant United States Attorney